

IN THE MATTER OF THE  
THE APPLICATION OF  
BAPTIST HOME OF MARYLAND/  
DELAWARE, INC.  
FOR A SPECIAL HEARING ON  
PROPERTY LOCATED ON THE EAST  
SIDE PARK HEIGHTS AVENUE,  
30' SOUTH OF CENTERLINE OF  
VELVET VALLEY ROAD  
3RD ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 91-166-SPHX

OPINION

This is an appeal from the decision of the Zoning Commissioner, dated February 1, 1991, wherein Petitioner's request for a special hearing to approve an amendment to the special exception and site plan previously granted in Case No. 63-152-X to construct two additions to the existing facility in an R.C. 3 zone was granted, and wherein a Petition for Special Hearing to permit a maintenance building in the R.C. 5 zone as an accessory use to the existing facility was granted.

Petitioner appeared represented by Counsel, Robert A. Hoffman and John J. Gessner. Phyllis C. Friedman, People's Counsel for Baltimore County, appeared and participated in the proceedings.

The Petitioner offered the testimony of Reverend Randall M. Fowler, the Administrator of the Baptist Home. He informed the Board that the subject property is located on the east side of Park Heights Avenue, north of Greenspring Valley Road. The property was purchased by the Baptist Home in 1963. In 1969, additions were made to the property, and at present the Home proposes two more additions to the existing facility. The first addition will be on the east side of the main facility and will consist of 18 rooms, and the second addition will be on the west side and will consist of 11 additional rooms. He informed the Board that the Baptist

Case No. 91-166-SPHX Baptist Home of Md./Delaware, Inc. 2  
Home has operated as a retirement facility since 1915 and that it is available to persons over 65 years of age to receive care. Recently, their requirements were changed to include men and married couples. Petitioner offered into evidence a site plan reflecting the proposed additions (Petitioner's Exhibit No. 1).

Mr. George E. Gavrelis, an expert land planner, testified on behalf of the Petitioner and in support of the requested petitions. He informed the Board that, based upon the testimony of Reverend Fowler and his familiarity with the use of the property, the facility's present use by definition fits somewhere between that of a nursing home and a convalescent home. He further testified that in 1988, under the Comprehensive Map Process, the property was zoned R.C. 3 and that this zoning is appropriate zoning for the present use of the property. In his opinion, he stated that the requested use meets the requirements of Section 502.1 of the Baltimore County Zoning Regulations (BCZR) and that he was aware of no adverse impact upon the surrounding community by reason of the existing use on the premises. In his opinion, the two additions should not be construed as a substantial or major addition to the property structures in light of the fact that the entire site is 41 acres in size.

With regard to the garage on the premises, the Board was informed that it is located in the northern section of the site on an R.C. 5 zoning designation and has been in existence since 1915. He stated that the garage is definitely an accessory structure supporting uses on the property. Testimony indicated that the garage would be needed for storage of maintenance vehicles and equipment and other items necessary for the supervision and

Case No. 91-166-SPHX Baptist Home of Md./Delaware, Inc. 3  
maintenance of the property.

The Board has given due consideration to all of the testimony presented in these proceedings which was entirely that of the Petitioner. Taking into consideration the use of the property as testified to by Reverend Fowler and the expert testimony of Mr. Gavrelis, we are persuaded that the present use of the property clearly meets the previous definition of the BCZR as to "convalescent home." In 1988, the definition of a convalescent home was replaced by a "nursing home" definition. That definition reads as follows:

Nursing Home: (Formerly Convalescent Home): A facility which provides board, shelter, and nursing care to chronic or convalescent patients. This term also includes facilities which provide domiciliary care within a nursing home. [Bill No. 37, 1988.]

For reasons unknown to this Board, the convalescent home definition was simply replaced with the nursing home definition. Mr. Gavrelis, on cross-examination, testified that in his opinion the definitions were interchangeable. The Board agrees with Mr. Gavrelis. Having met the requirements of Section 502.1 of the BCZR and having found that the present use on the property meets the definition of a convalescent home, the Board finds that the Petitions should be granted and that certain restrictions should be imposed.

ORDER

IT IS THEREFORE this 16th day of October, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Hearing to approve an amendment to the special exception and site plan previously granted in Case No. 63-152-X to construct two additions to the existing facility be and is hereby

Case No. 91-166-SPHX Baptist Home of Md./Delaware, Inc. 4  
GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit a maintenance building as an accessory use to the existing facility in the R.C. 5 zone be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the following restrictions are imposed and are conditions precedent to the relief herein granted:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to the issuance of any building permits, Petitioner shall submit a schematic landscape plan for review and approval by the Deputy Director of Planning. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file prior to the issuance of any permits.
3. Prior to the issuance of any building permits, Petitioner shall comply with or satisfy all of the Zoning Plans Advisory Committee comments submitted for inclusion into the case file.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

Harry E. Buchheister, Jr.

Judson H. Lipowitz

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
PETITION FOR SPECIAL EXCEPTION : OF BALTIMORE COUNTY  
E/S Park Hgts. Ave., 30' S of  
C/L of Velvet Valley Way  
3rd Election District  
3rd Councilmanic District  
BAPTIST HOME OF MARYLAND/  
DELAWARE, INC., Petitioner : Case No. 91-166-SPHX

NOTICE OF APPEAL

Please note an appeal from the decision of the Zoning Commissioner under date of February 1, 1991, in the above-captioned matter, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
(301) 887-2188

I HEREBY CERTIFY that on this 4th day of March, 1991, a copy of the foregoing Notice of Appeal was mailed to James R. Anderson, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and Karen Meyer, Executive Director, Valleys Planning Council, 212 Washington Ave., P. O. Box 5402, Towson, MD 21285-5402.

Peter Max Zimmerman  
Peter Max Zimmerman

RECEIVED  
3-5-91

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
PETITION FOR SPECIAL EXCEPTION : OF BALTIMORE COUNTY  
E/S Park Hgts. Ave., 30' S of  
C/L of Velvet Valley Way  
3rd Election District  
3rd Councilmanic District  
BAPTIST HOME OF MARYLAND/  
DELAWARE, INC., Petitioner : Case No. 91-166-SPHX

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
887-2188

I HEREBY CERTIFY that on this 4th day of March, 1991, a copy of the foregoing Entry of Appearance was mailed to James R. Anderson, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and Karen Meyer, Executive Director, Valleys Planning Council, 212 Washington Ave., P. O. Box 5402, Towson, MD 21285-5402.

Peter Max Zimmerman  
Peter Max Zimmerman

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND SPECIAL EXCEPTION - E/S \* ZONING COMMISSIONER  
Park Heights Avenue, 30' S of \* OF BALTIMORE COUNTY  
the C/L of Velvet Valley Way  
3rd Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District \* Case No. 91-166-SPHX  
Baptist Home of Maryland/  
Delaware, Inc. \*  
Petitioners \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the special exception and site plan previously approved in Case No. 63-152-X to construct two additions to an existing facility, in accordance with Petitioner's Exhibit 1, and a special exception to approve that such expansion is a use permitted by special exception in an R.C. 3 zone, pursuant to Section 1.A02.2.B.16 of the Baltimore County Zoning Regulations (B.C.Z.R.). Petitioner also requests a special hearing to approve a five (5) year period in which to utilize the special exception, if granted, and that the restrictions set forth in previous Case No. 63-152-X relative to the alienability of, and services provided on, the subject property under the special exception granted therein, be removed. Petitioner further requested a special hearing to approve that the existing maintenance building on the R.C. 5 zoned portion of the property, in accordance with Petitioner's Exhibit 1, is an accessory structure to the subject facility.

The Petitioner, by Charles V. Pippen, Trustee and former President, and Reverend Randal N. Fowler, current Administrator, appeared, testified and was represented by James R. Anderson, Esquire. Also appearing on behalf of the Petitions was Brian D. Jones, Engineer. Jean

ORDER RECEIVED FOR FILING  
Date 3/5/91  
By [Signature]

Hannibal appeared on behalf of the Valleys Planning Council. There were no Protestants.

Prior to the proffer of testimony in support of the Petitions, a revised site plan was submitted as Petitioner's Exhibit 1.

Testimony indicated that the subject property, located on Park Heights Avenue, consists of 41.74 acres more or less split zoned R.C. 3, R.C. 5, and R.C. 2, and is improved with a continuing care facility, known as the Baptist Home of Maryland, Inc. Said property was the subject matter of previous Case No. 63-152-X in which a special exception for a convalescent home and elderly housing facility was granted on November 26, 1963. Petitioner is desirous of expanding the existing facility in accordance with Petitioner's Exhibit 1. Mr. Pippen testified that the facility is primarily for residents of the Baptist denomination and has operated on the property since 1963, pursuant to the special exception granted for such use in Case No. 63-152-X. Testimony indicated that the maintenance building located on the R.C. 5 zoned portion of the site has been used as an accessory structure since 1963. Mr. Pippen introduced Petitioner's Exhibit 3, a certified copy of the previously approved site plan in Case No. 63-152-X which reflects the maintenance building on the subject property which was then zoned R-40 in its entirety. Mr. Pippen testified that proposed Addition A would contain 11 living units, an 18-bed infirmary, meeting rooms and administrative offices. Further testimony indicated that proposed Addition B would contain 10 living units. Mr. Pippen testified that the proposed additions are necessary to make the continued operation of the facility economically feasible and to accommodate an expanded demand for the residences and use of the facility.

ORDER RECEIVED FOR FILING  
Date 3/5/91  
By [Signature]



# **ZONING CASE HISTORY**

- 63-152-XA Petition Ruth Rosenberg. Special exception for boarding house for the elderly. Granted: November 26, 1963.
- 76-89-SPB Petition Baptist Home of Maryland. Special hearing to determine whether to allow for construction of a new infirmary wing on an existing boarding house for the elderly. Granted: December 1, 1975.

L. J. MILLER  
6044/750

W. BECKER  
5886/530

VELVET VALLEY WAY

R. ROSENBERG  
4008/411

R.C. 5

M. E. KELLER  
4093/574

M. E. KELLER  
4093/574

I. GREIF, JR.  
4118/505

R.C. 5

R. ROSENBERG  
2852/189

EX. ENTRY COLUMN.  
SEE DETAIL THIS SHEET

D. & P. OBER  
6366/763

R.C. 2

R. CHOW  
8122/664

B. & I. ASH  
5354/787

L. & L. BANK  
5336/545

L. & L. BANK  
5336/545

M. WHITE & H. ZINN  
7323/614

R. & M. ELKINS  
6361/303

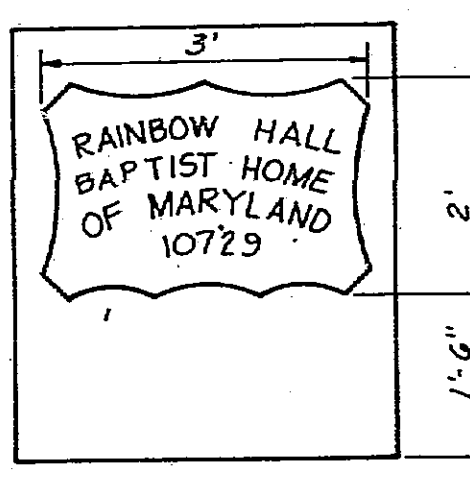
R. & M. ELKINS  
6361/303

A. & W. POSNER  
6189/701

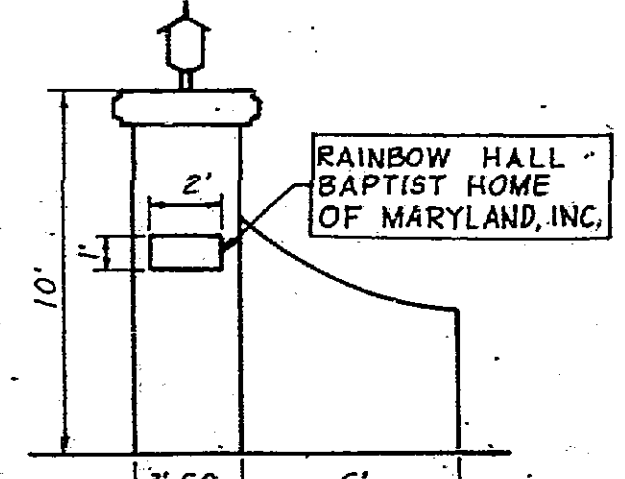
## **PLAN**

SCALE: 1"=100'

R. ROSENBERG  
4008/411



**DETAIL - EXIST. SIGN**  
NOT TO SCALE



**DETAIL - EXIST. ENTRY COLUMN**  
NOT TO SCALE

BLDG.	STY/HT	EXIST	PROP USE	PARKING REQ'D
1.	2/30	CONVALESCENT 55 LIVING UNITS 12 BED INFIRMARY KITCHEN & DINING ADMINISTRATIVE OFFICE	SAME	67/3 = 22.3
2	1/15'	RESIDENT DIRECTORS	SAME	2/DWU. = 2
3/3	1/15'	VACANT	CONVALES- CENT HOME 4 LIVING UNITS	4/3 = 1.3
4	1/15'	MAINTENANCE BUILDING	SAME	
5	1/15'	STAFF RESIDENCE	SAME	2/DWU. = 2
A	2/30'	CONVALES- CENT HOME ADDITION: 11 LIVING UNITS 18 BED INF. ADMIN. OFF. & MTG. ROOMS		29/3 = 9.7
B.	3/40'	ADDITION: 18 UNITS		18/3 = 6
<b>TOTAL</b>				<b>43.3</b>

NOTE: ALL NEW PARKING COMPLIES  
WITH SECT 403.4. A & C

## **VICINITY MAP**

SCALE: 1"=1000'

### **GENERAL NOTES**

- GROSS AREA = 41.74 AC.
- DEED REFERENCE - 4250/276  
TAX ACCOUNT NO.
- EXISTING ZONING: RC 3, RC 5 AND RC 2
- PARKING REQUIRED: 43.3 SPACES  
PROVIDED: 112 SPACES
- TYPICAL PARKING SPACE 9'x18' MIN.
- PUBLIC WATER AND SEWER DOES NOT EXIST IN THE VICINITY (1 MILE) OF THE SITE.
- FLOOR AREA RATIO:  
TOTAL GROSS FLOOR AREA = 9.8230 AC. = 0.221  
GROSS SITE AREA 41.7413 AC.  
EXISTING FLOOR AREA = 9.5337 AC. = 0.218  
GROSS SITE AREA 41.7413 AC.
- ALL 18' DRIVEWAYS ARE 2 WAY AND 12' DRIVEWAYS ARE 1 WAY.

### **LEGEND**

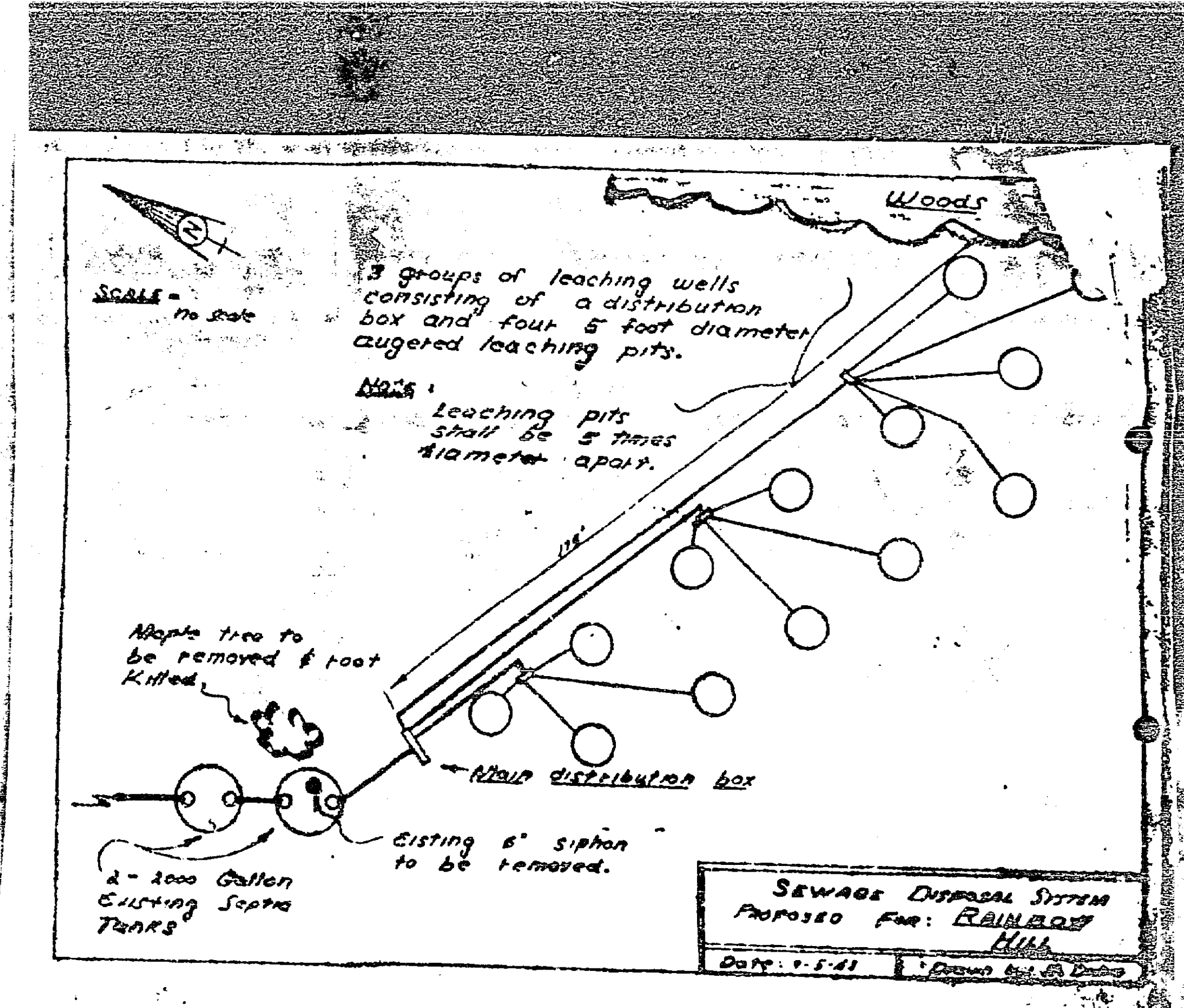
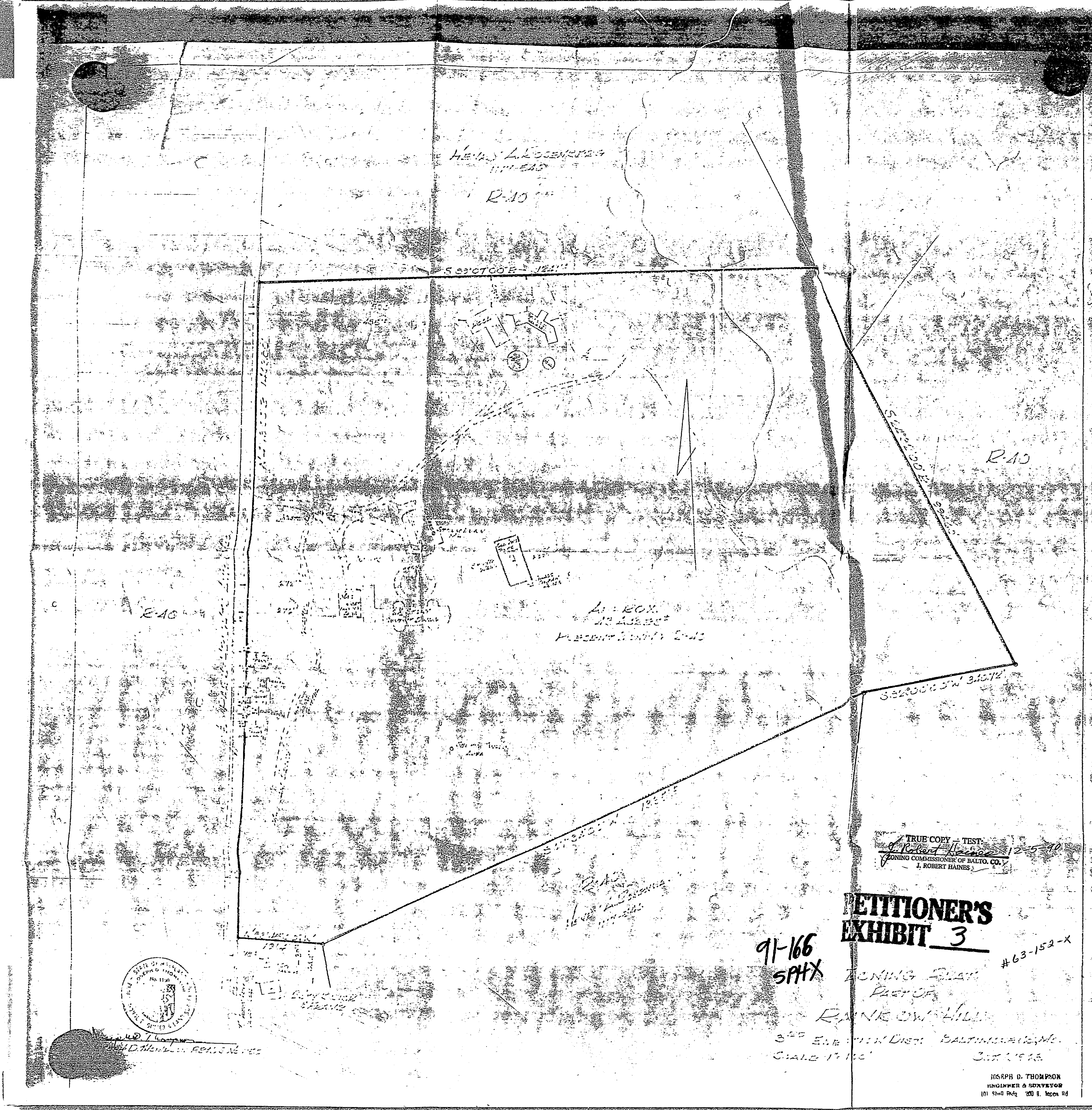
- EXISTING BUILDING (2)
- PROPOSED BUILDING (A)
- EXISTING PAVING (---)
- PROPOSED PAVING (---)
- ZONING LIMITS (---)
- PROPERTY LINE (---)
- NO. OF PARKING SPACES (67)
- PROPOSED LIGHT POLE (P)

6/20/80	3	PER ZONING OFFICE COMMENTS
7/26/80	2	PER ZONING OFFICE COMMENTS
8/15/80	1	PER V.B. & H. COMMENTS
DATE:	NO.	REVISION
<p><b>PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING</b></p>		
<p>PROJECT: <b>BAPTIST HOME OF MARYLAND</b> PARK HEIGHTS AVENUE BALTIMORE, MARYLAND 3RD ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT</p>		
<p>ENGINEERS: WHITNEY, BAILEY, COX &amp; MAGNANI CONSULTING ENGINEERS 1850 YORK ROAD TIMONIUM, MD. 21093 (301) 252-8060</p>		
<p>DESIGNED: J. J. J. J. DRAWN: G. S. S. CHECKED: B. J. J. DATE: APRIL 3, 1980 SCALE: 1"=100' DRAWING NO.: WBCM #90-05307</p>		

**91-166 SPAX**

#93

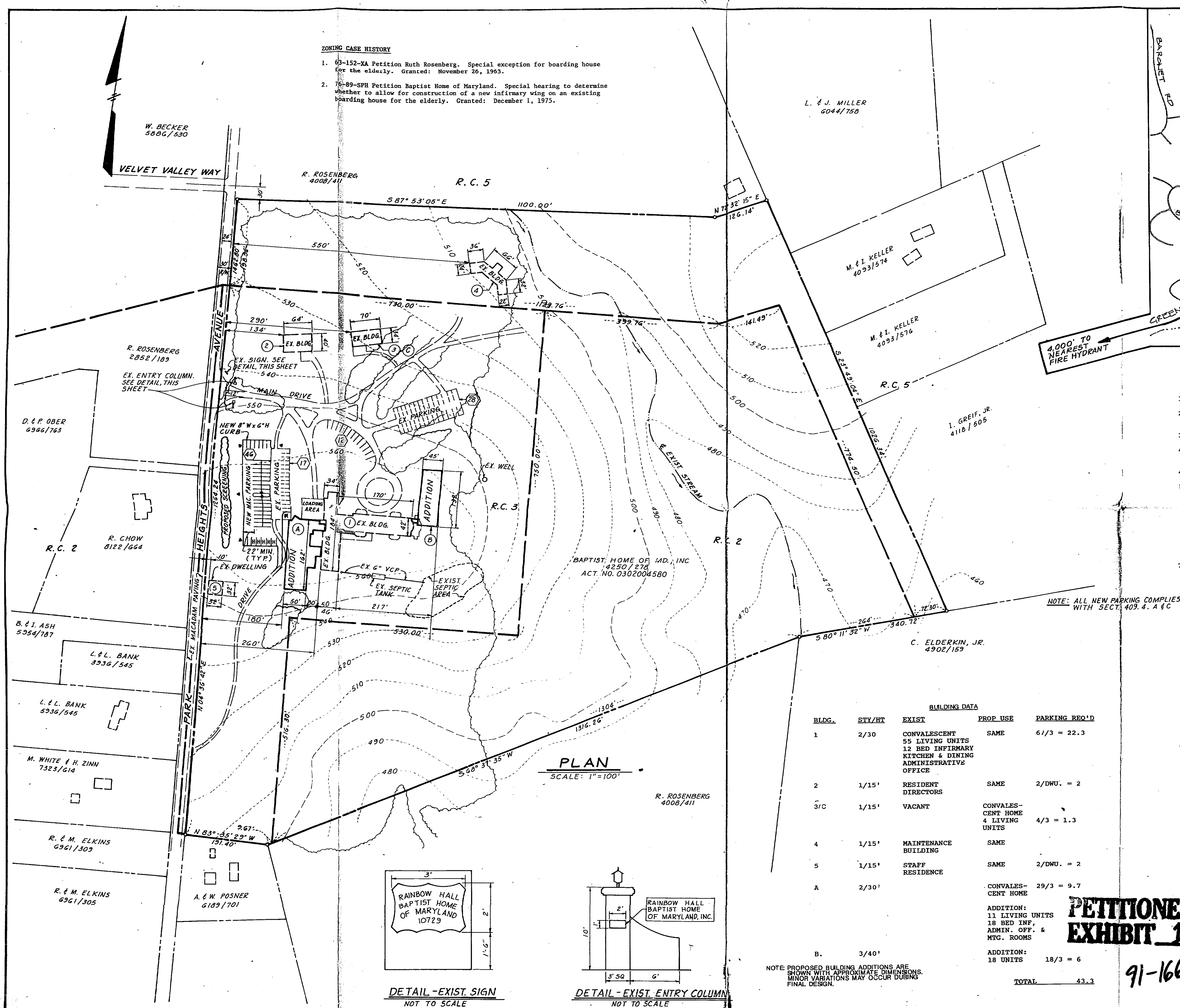




TRUE COPY - TEST  
 J. Robert Haines  
 ZONING COMMISSIONER OF BALTO. CO.  
 J. ROBERT HAINES  
**PETITIONER'S EXHIBIT 3**  
 91-166  
 SPHX  
 ZONING BOARD  
 DISTRICT  
 RAINBOW HILL  
 360 E. 11th DIST. BALTIMORE, MD.  
 SCALE 1" = 100'  
 JUNE 1968  
 HARSH D. THOMPSON  
 ENGINEER & SURVEYOR  
 101 Shaw Road 200 E. North Rd



1. 63-152-XA Petition Ruth Rosenberg. Special exception for boarding house for the elderly. Granted: November 26, 1963.
2. 76-89-SPH Petition Baptist Home of Maryland. Special hearing to determine whether to allow for construction of a new infirmiry wing on an existing boarding house for the elderly. Granted: December 1, 1975.










SCALE: 1" = 1000'

GENERAL NOTE

1. GROSS AREA = 41.74 AC.
2. DEED REFERENCE - 4250/276  
TAX ACCOUNT NO.
3. EXISTING ZONING: RC 3, RC 5 AND RC 2
4. PARKING REQUIRED: 43.3 SPACES  
PROVIDED: 103 SPACES
- 4A. TYPICAL PARKING SPACE 9'x18' MIN.
5. PUBLIC WATER AND SEWER DOES NOT EXIST IN THE VICINITY (1 MILE)  
OF THE SITE.
6. FLOOR AREA RATIO:  

TOTAL GROSS FLOOR AREA	=	<u>0.9230 AC.</u>	= 0.0221
GROSS SITE AREA		41.7413 AC.	
EXISTING FLOOR AREA	=	<u>0.5337 AC.</u>	= 0.0128
GROSS SITE AREA		41.7413 AC.	
7. ALL 18' DRIVEWAYS ARE 2 WAY AND 12' DRIVEWAYS ARE 1 WAY.

### LEGEND

EXISTING BUILDING	
PROPOSED BUILDING	
EXISTING PAVING	
PROPOSED PAVING	
ZONING LIMITS	
PROPERTY LINE	
NO. OF PARKING SPACES	

PROPOSED LIGHT POLE ► (12' HT.)

DATE	NO	REVISION
12/10/90	5	PER WBLCM REVIEW
11/2/90	4	PER ZONING OFFICE COMMENT
8/20/90	3	PER ZONING OFFICE COMMENT
7/26/90	2	PER ZONING OFFICE COMMENTS
6/13/90	1	PER V B & H COMMENTS

PLAN TO ACCOMPANY  
PETITION FOR SPECIAL EXCEPTION  
AND SPECIAL HEARING

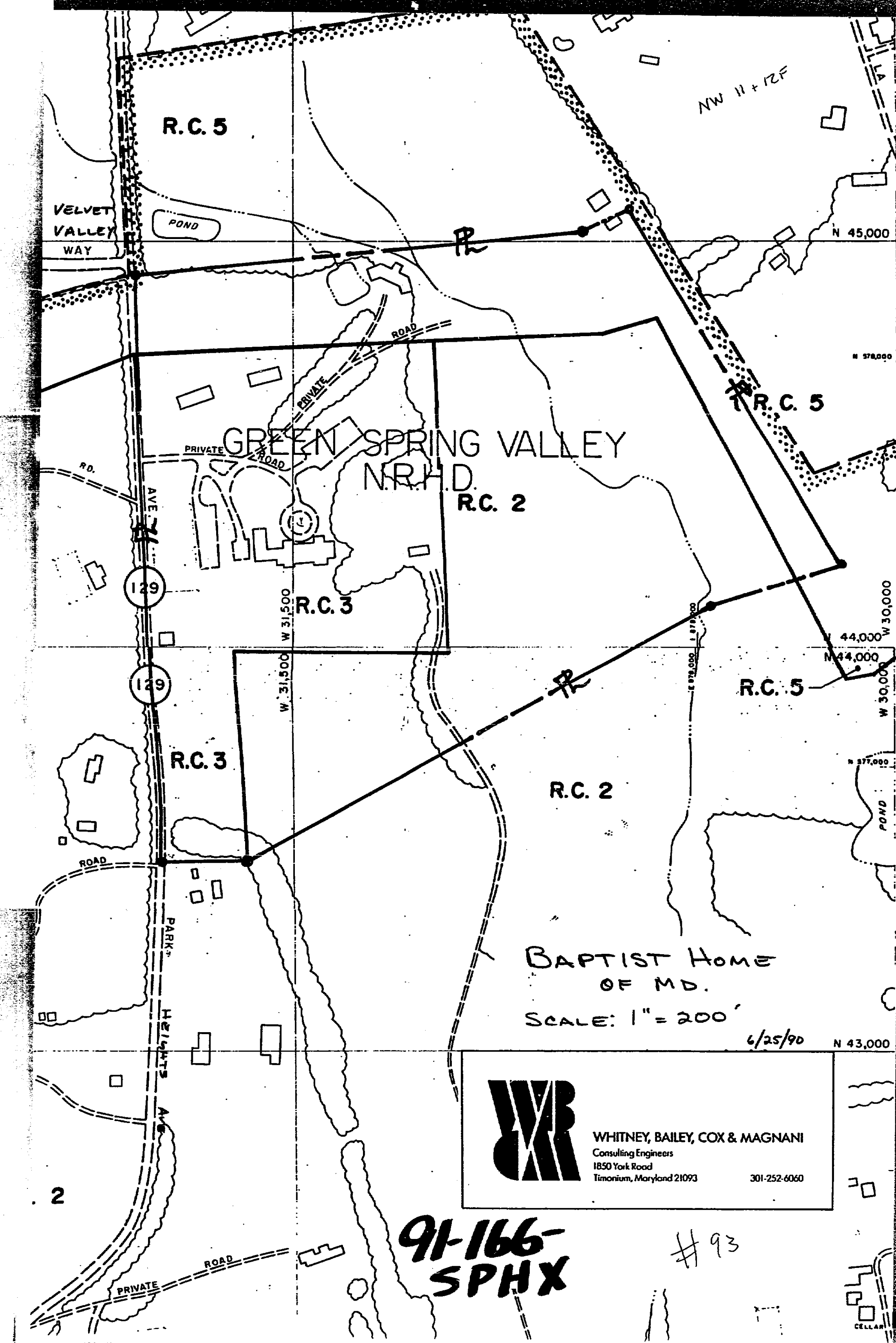
PROJECT: BAPTIST HOME OF MARYLAND  
PARK HEIGHTS AVENUE  
BALTIMORE, MARYLAND  
3RD ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT  
ENGINEERS: WHITNEY, BAILEY, COX & MAGNANI  
CONSULTING ENGINEERS  
1850 YORK ROAD  
TIMONUM, MD. 21093  
1-800-252-6800

DESIGNED:	JJJ
DRAWN:	GSB
CHECKED:	BDJ
DATE:	APRIL 3, 1990
SCALE:	1"=100'
DRAWING NO:	
WRCM #90-05307	

91-1665 PHA

91-1665 PHA





#### Rainbow Hall...

Located in the peaceful Green Spring Valley northwest of Baltimore, the 42-acre estate is graced by a mansion once owned by General Douglas MacArthur. The building was renamed Rainbow Hall and an additional wing was added in 1969 to form the present facility.

An impressively designed reception hall, formal living and dining rooms, and a bright sun parlor serve as the hubs of activity. Single and double occupancy rooms are available for a total of 64 residents. All rooms are decorated and furnished according to personal tastes.

The first floor of the McCormick Wing provides a spacious and well equipped infirmary. Twenty-four hour nursing care and physicians on-call insure that every resident will have proper care in times of illness.

#### Plan A

##### Financial Requirements:

Guests pay an admission fee to the Government of the Home. All property and assets are retained by the resident.

Rates: Cost per week is determined by the size and location of the room selected. The rate is double in the case of a couple.

Probation Period: 3-months probationary period is mandatory. If the resident wishes to leave the Home, one-half of the admission fee is refunded.

Medical Provisions: The resident assumes financial obligation for all necessary medical and hospital expenses.

#### Plan B

##### Financial Requirements:

An admission fee is required, the fee to be determined by the Trustees. Policies are established to meet individual needs/conditions.

Rates: There is no weekly charge. Residents are required to convey all property, real or personal to the Home. All income is assigned to the Home.

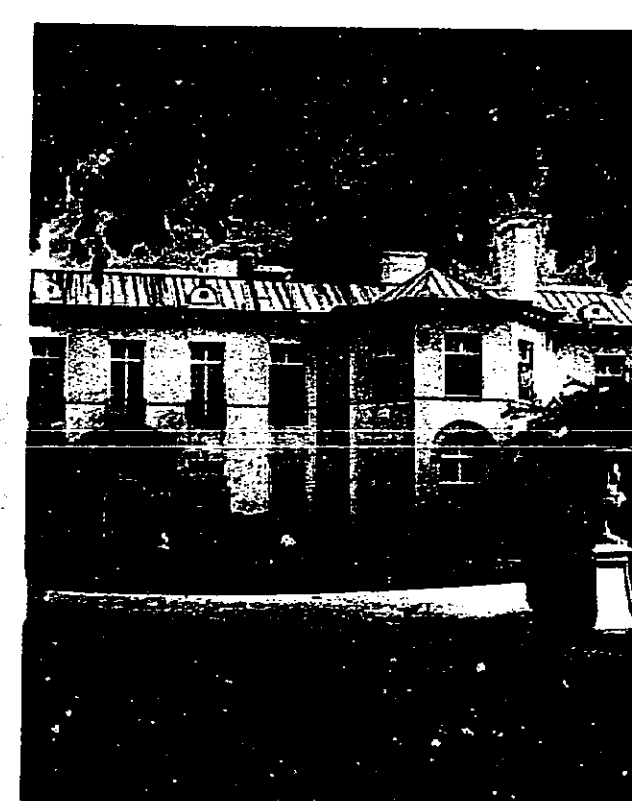
Probation Period: 3-months probationary period is mandatory. If resident does not become permanent, all admission fees and property are returned. A cost for the weeks of occupancy is determined.

Medical Provisions: The Home assumes financial obligation for all necessary medical and hospital expenses for residents.

For Specific Information Concerning Admissions, Policies, and Your Part in this Ministry, Contact:

Administrator  
The Baptist Home of Maryland, Inc.  
10729 Park Heights Avenue  
Owings Mills, Maryland 21117  
Telephone (301) 484-3324

## Baptist Home



Rainbow Hall, located in the peaceful Green Spring Valley northwest of Baltimore, Md.



Reverend Fowler testified in support of the relief requested. He indicated that very few of the residents possess their own automobiles. He testified that the Petitioner employs approximately 50 staff members on the site with approximately 20 of those working from 7:00 AM to 3:00 PM, the largest shift. Testimony indicated that the proposed additions would add approximately 20 employees to the site, including 6 on the 7:00 AM to 3:00 PM shift. Addressing the Petitioner's proposal to increase the number of parking spaces on the site from 45 to 103 spaces, Reverend Fowler testified that the expansion would provide sufficient parking for the women's auxiliary trustees' board meetings held on the site semi-annually.

Petitioner submitted a letter dated December 4, 1990 from Stephen E. Weber, professional engineer and Assistant Traffic Engineer with the Baltimore County Department of Traffic Engineering, which indicates that the proposed improvements will have no detrimental impact on traffic patterns in the area. Further, said correspondence indicated that the intersection of Park Heights Avenue and Greenspring Valley Road, the nearest controlled intersection, has a "B" rating for level of service.

Brian Jones testified on behalf of the Petitioner as an expert in engineering and land planning. In his opinion the proposed additions set forth on Petitioner's Exhibit 1 comply with the requirements of Section 502.1 of the B.C.Z.R.

Jean Hannibal of the Valleys Planning Council introduced as Petitioner's Exhibit 2, a letter from Karen Meyer, Executive Director, which indicates that the proposed additions do not conflict with a Restrictive Covenant Agreement between the Valleys Planning Council and Petitioner. In said letter, Ms. Meyer requested that the Valleys Planning Council be

kept informed and involved as to the development of a landscape plan for the subject site.

Although the use requested in the Petition for Special Exception is for the proposed expansion of an existing "convalescent home" the current use of the facility is actually more in the nature of a continuing care facility, as that term is currently defined. The "convalescent home" use that was originally granted in Case No. 63-152-X has not changed; however, the definition in the B.C.Z.R. has changed. The B.C.Z.R. defines a continuing care facility as follows:

"A building or group of buildings that contain dwellings, facilities for assisted living, and facilities for convalescent or nursing care on the same site, where occupancy of the facilities is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older."

The B.C.Z.R. do not permit convalescent homes, nursing homes, or comprehensive care facilities as uses permitted as of right within the R.C. 3 zone. Although the subject facility was originally approved by special exception as a convalescent home when there was no definition for a comprehensive care facility, it is clear from the testimony and evidence presented that the facility is consistent with the current operation and the spirit and intent of the B.C.Z.R. The evidence is also clear that the maintenance building in the R.C. 5 zone has been in use as an accessory structure to the convalescent home on a continuous basis since 1963. Therefore the use of the maintenance building as an accessory structure to support the subject facility may continue in accordance with the special exception granted in 1963.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and special exception should be granted as hereinafter modified.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of February, 1991 that the Petition for Special Hearing to approve an amendment to the special exception and site plan previously approved in Case No. 63-152-X to construct two additions to the existing facility in an R.C. 3 zone, pursuant to Section 1.002.2.B.16 of the B.C.Z.R. and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that the Petition for Special Hearing for a determination that the maintenance building in the R.C. 5 zone, as depicted on Petitioner's Exhibit 1, is an accessory use to the existing facility, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, that the Petition for Special Hearing to approve a five (5) year period in which to utilize the special exception granted herein, be and is hereby DISMISSED; and,

IT IS FURTHER ORDERED, that the Petition for Special Hearing to remove Restrictions 1 and 2 relative to the alienability of, and services provided on, the subject property under the special exception previously granted in Case No. 63-152-X, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any building permits, Petitioner shall submit a schematic landscape plan for review and approval by the Deputy Director of Planning. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file prior to the issuance of any permits.

3) Prior to the issuance of any building permits, Petitioner shall comply with or satisfy all of the Zoning Plans Advisory Committee comments submitted for inclusion into the case file.

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

The proposed use would not be detrimental to the primary uses in the vicinity. However, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

Section 502.3 of the B.C.Z.R. requires that a special exception "which has not been utilized within a period of two years from the date of the final order granting same...shall thereafter be void." It is clear that the subject special exception has long since been utilized and therefore, the time constraints of Section 502.3 are not applicable. As such, the Petitioner's request for an extension of time to utilize the special exception is moot.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

February 1, 1991

James R. Anderson, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION  
2/S Park Heights Avenue, 30' S of the c/l of Velvet Valley Way  
3rd Election District - 3rd Councilmanic District  
Baptist Home of Maryland/Delaware, Inc. - Petitioner  
Case No. 91-166-SPHX

Dear Mr. Anderson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel  
File

# PETITION FOR SPECIAL EXCEPTION/SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an addition to an existing convalescent home as a use permitted by special exception in an R.C. 3 zone pursuant to B.C.Z.R. 1.002.2.B.16; and to approve an amendment to the special exception and site plan in Case No. 63-152-XA

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Robert A. Hoffman

(Type or Print Name)

Signature

Address

City and State

210 Allegheny Avenue

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 823-4111

Legal Owner(s):

Baptist Home of Maryland/Delaware, Inc.

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

10729 Park Heights Avenue

Towson, Maryland 21117

City and State

Name and telephone number of legal owner, contract purchaser or representative to be contacted

Robert A. Hoffman

Name

210 Allegheny Avenue

Towson, Maryland 21204

Telephone No.

823-4111

ORDERED By The Zoning Commissioner of Baltimore County, this 26 day

of Sept, 1990, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 11 day of Dec, 1990, at 10 o'clock

A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

S.C.O.-No. 1

(over)

7MK- 9/6/90  
advised anytime  
cost time .45 minute to 1 hr.



R.C.-5 ZONING DESCRIPTION  
BAPTIST HOME OF MARYLAND, INC.

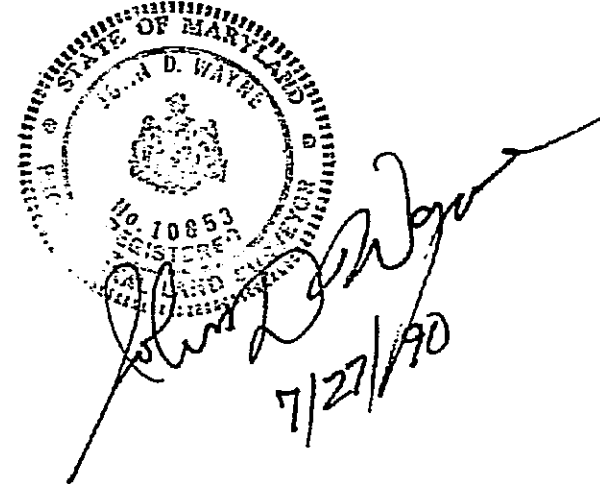
Beginning at a point on the East side of Park Heights Avenue, which is 30 ft. wide, at a distance of 30 ft. South of the centerline of Velvet Valley Way, which is 50 ft. wide. Thence the following course and distances:

- 1) South 87°53'05" East a distance of 1100.00 ft. thence,
- 2) North 72°32'15" East a distance of 126.14 ft. thence,
- 3) South 23°49'04" East a distance of 1026.34 ft. thence,
- 4) South 80°11'32" West a distance of 77.30 ft. thence,
- 5) North 23°49'04" West a distance of 774.50 ft. thence,
- 6) South 72°32'15" West a distance of 141.49 ft. thence,
- 7) North 85°23'15" West a distance of 1129.76 ft. to the easterly side of Park Heights Avenue thence,
- 8) North 04°36'42" East a distance of 198.56 ft. to the place of beginning. Being a portion of the 41.74 Ac. Parcel recorded in deed Liber 4250, Folio 278.

Containing 7.99 acres of land, more or less.

This description is intended solely to accompany a Special Hearing and is not intended to be property survey.

91-166-SPHX



# 93

WHITNEY, BAILEY, COX & MAGNANI

R.C.-3 ZONING DESCRIPTION  
BAPTIST HOME OF MARYLAND, INC.

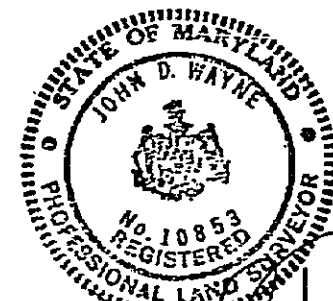
Beginning at a point on the East side of Park Heights Avenue, which is 30 ft. wide, at a distance of 228.56 ft. South of the centerline of Velvet Valley Way, which is 50 ft. wide. Thence the following course and distances:

- 1) South 85°23'15" East a distance of 730.00 ft. thence,
- 2) South 04°36'45" West a distance of 750.00 ft. thence,
- 3) North 85°23'15" West a distance of 530.00 ft. thence,
- 4) South 04°36'45" West a distance of 516.30 ft. thence,
- 5) South 68°37'35" West a distance of 9.67 ft. thence,
- 6) North 83°58'29" West a distance of 191.40 ft. to the easterly side of Park Heights Avenue thence,
- 7) North 04°36'42" East a distance of 1264.24 ft. to the place of beginning. Being a portion of the 41.74 Ac. Parcel recorded in deed Liber 4250, Folio 278.

Containing 14.94 acres of land, more or less.

This description is intended solely to accompany a Special Exception Petition and is not intended to be property survey.

91-166-SPHX



# 93

WHITNEY, BAILEY, COX & MAGNANI

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE: 12-5-90

Baptist Home of Maryland/Delaware, Inc.  
10729 Park Heights Avenue  
Owings Mills, Maryland 21117

RE:

Petition for Special Exception  
CASE NUMBER: 91-166-SPHX  
S/S Park Heights Avenue, 30' S centerline of Velvet Valley Way  
3rd Election District 3rd Councilmanic District  
Petitioner(s): Baptist Home of Maryland/Delaware, Inc.  
HEARING: THURSDAY, DECEMBER 11, 1990 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 118.40 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: Robert Hoffman, Esq.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE: 11-9-90

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Exception  
CASE NUMBER: 91-166-SPHX  
S/S Park Heights Avenue, 30' S centerline of Velvet Valley Way  
3rd Election District 3rd Councilmanic District  
Petitioner(s): Baptist Home of Maryland/Delaware, Inc.  
HEARING: THURSDAY, DECEMBER 11, 1990 at 10:00 a.m.

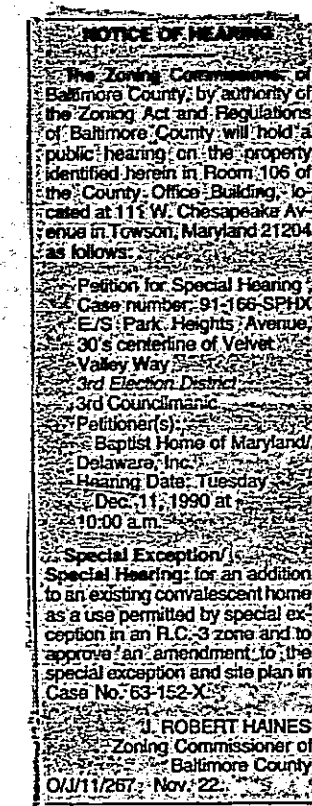
Special Exception/Special Hearing for an addition to an existing convalescent home as a use permitted by special exception in an R.C.-3 zone and to approve an amendment to the special exception and site plan in Case No. 63-152-X

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Baptist Home of Maryland/Delaware, Inc.  
Robert A. Hoffman, Esq.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: 11-20-90  
Posted for: Special Hearing & Special Exception  
Petitioner: Baptist Home of Maryland/Delaware, Inc.  
Location of property: S/S of Park Heights Ave., 30' S of Velvet Valley Way  
Location of Sign: East side of Park Heights Ave., at entrance to subject property  
Remarks: \_\_\_\_\_  
Posted by: J. J. Brater Date of return: 11-23-90  
Number of Signs: 2



CERTIFICATE OF PUBLICATION

TOWSON, MD., 11-30, 1990  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11-22, 1990

THE JEFFERSONIAN,

S. Zake Orlean  
Publisher

\$ 68.40

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11-30, 1990  
THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11-22, 1990

OWINGS MILLS TIMES,

S. Zake Orlean  
Publisher

\$ 68.40

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: March 15, 1991  
Posted for: Appeal  
Petitioner: Baptist Home of Md./Delaware, Inc.  
Location of property: S/S of Park Heights Ave., 30' S of Velvet Valley Way  
Location of Sign: S/S of Park Heights Avenue, at entrance to subject property  
Remarks: \_\_\_\_\_  
Posted by: J. J. Brater Date of return: March 21, 1991  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

No 3869

Date

#93

11/13/90

H9100417

REVISED PUBLIC HEARINGS FEES	QTY	PRICE
110 - REVISIONS (ALL OTHERS)	1 X	\$75.00
TOTAL:		\$75.00
LAST NAME OF OWNER: BAPT HOME OF MD/D		

04404W001M1CHRC \$75.00  
BA C002:37AH11-13-90

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

No 3354

Date

9/06/90

H9100093

PUBLIC HEARINGS FEES	QTY	PRICE
040 - SPECIAL HEARING (OTHER)	1 X	\$175.00
050 - SPECIAL EXCEPTION	1 X	\$175.00
TOTAL:		\$350.00
LAST NAME OF OWNER: BAPT HOME OF MD/D		

04404W001M1CHRC \$350.00  
BA C002:58PM09-06-90

Cashier Validation:

Please make checks payable to: Baltimore County

NEXT BUSINESS DAY

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

No 3869

Date

12/11/90

H9100544

PUBLIC HEARINGS FEES	QTY	PRICE
000 - POSTING SIGNS & ADVERTISING	1 X	\$118.40
TOTAL:		\$118.40
LAST NAME OF OWNER: BAPT HOME OF MD/D		

91-166

04404W001M1CHRC \$118.40  
BAH12-11-90

Cashier Validation:

Please make checks payable to: Baltimore County





County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

Hearing Room -  
Room 301, County Office Bldg. May 8, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(D). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(C). COUNTY COUNCIL BILL NO. 59-79

CASE NO. 91-166-SPHX BAPTIST HOME OF MARYLAND/DELAWARE, INC.  
E/S Park Heights Ave., 30' S of c/l of  
Velvet Valley Road  
3rd Election District  
3rd Councilmanic District

SPH-Amend previously approved SE #63-152-X  
to construct 2 additions to existing  
facility;  
SE-permitted use in R.C. 3 zone

2/1/91 - Z.C.'s Order GRANTING in part;  
DISMISSING in part.

ASSIGNED FOR: FRIDAY, OCTOBER 11, 1991 AT 10:00 a.m.

cc: Robert A. Hoffman, Esquire Counsel for Petitioner  
James R. Anderson, Esquire " "  
Mr. Charles V. Pippen " "  
Baptist Home of Md./Delaware, Inc.  
Mr. Brian D. Jones  
Ms. Jean Hannibal  
Valleys Planning Council  
People's Counsel for Baltimore County Appellant  
P. David Fields  
Pat Keller  
Public Services  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul  
Legal Secretary

5/8/91 - Following parties notified of hearing set for October 11,  
1991 at 10:00 a.m.:

Robert A. Hoffman, Esquire  
James R. Anderson, Esquire  
Mr. Charles V. Pippen  
Baptist Home of Md./Delaware, Inc.  
Mr. Brian D. Jones  
Ms. Jean Hannibal  
Valleys Planning Council  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
Public Services  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Chief Deputy County Attorney

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

November 28, 1990



Dennis F. Rasmussen  
County Executive

Robert A. Hoffman, Esquire  
210 Allegheny Avenue  
Towson, MD 21204

RE: Item No. 93, Case No. 91-166-SPHX  
Petitioner: Baptist Home of MD, et al  
Petition for Special Hearing and  
Special Exception

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WIMBARKSI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Charles V. Pippen  
Baptist Home of MD/Delaware, Inc.  
10729 Park Heights Avenue  
Owings Mills, MD 21117

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
26th day of September, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Baptist Home of Md/Delaware, Inc.

Petitioner's Attorney: Robert A. Hoffman

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: November 28, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Baptist Home of Maryland/Delaware, Inc., Item No. 93

The Petitioner requests a Special Exception for an addition to an existing convalescent home as a use permitted by special exception in a R.C.3, and to approve an amendment to the special exception and site plan in Case No. 63-152-XA.

Staff has met with the Applicant's attorney, Robert Hoffman, in an effort to reduce the number of parking spaces shown on the original plan. A revised plan, addressing this office's concerns, was submitted and it indicated a reduction of approximately 20 parking spaces.

Based upon the analysis conducted and the information provided, staff recommends the request be granted subject to the following:

- The Petitioner shall submit a landscape plan to the deputy director of the office of Planning and Zoning, prior to the issuance of any building permits. Said plan should include an enhanced landscape treatment along Park Heights Avenue.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM93/2AC1

received  
11/23/90

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 406  
Towson, Maryland 21204  
(301) 887-3554

October 1, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 89, 90, 91, 92, 93, 95, and 96.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/jw

Dennis F. Rasmussen  
County Executive

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
NOVEMBER 15, 1990

received  
11/21/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 93  
PROPERTY OWNER: BAPTISTHOME OF MARYLAND  
LOCATION: PARK HEIGHTS AVENUE  
ELECTION DISTRICT: 3rd  
COUNCILMANIC DISTRICT:3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMP (degree slope)  
( ) NUMBER PARKING SPACES ( ) CURB CUTS  
( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).  
1. Structure(s) shall comply to Height & Area Limitations of Table OTHER - 2. The building code in force at time of permit application shall be applicable.  
3. Please review Sections 610.0 for applicability (SEE BELOW)

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88. See Also Section 307.3.  
4. Review Section 1002. for possible automatic sprinkler requirements of I-2 uses.

Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5500  
(301) 887-4500

Paul H. Reincke  
Chief

OCTOBER 3, 1990

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Dennis F. Rasmussen  
County Executive

RE: Property Owner: BAPTIST HOME OF MARYLAND/DELAWARE, INC.  
Location: E/S PARK HEIGHTS AVENUE  
Item No.: 93 Zoning Agenda: SEPTEMBER 25, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. PAVED ACCESS FOR FIRE APPARATUS SHALL BE PROVIDED WITHIN 30 FEET OF PROPOSED BUILDINGS

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Pat Keller* 10-3-90 Noted and Approved *William F. Brady* Fire Prevention Bureau  
Planning Group Special Inspection Division

JK/KEK



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
SEPTEMBER 27, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM # 93  
PROPERTY OWNER: Baptist Home of Maryland/Delaware, Inc.  
LOCATION: E/S Park Heights Avenue, 30' S centerline of Veivert Valley Way  
ELECTION DISTRICT: 3rd  
COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- ( ) PARKING LOCATION (X) RAMP (degree slope)
- ( ) NUMBER PARKING SPACES (X) CURB CUTS
- ( ) BUILDING ACCESS (X) SIGNAGE
- ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- (X) OTHER - Professional (architect) shall verify compliance to Article 5, Section 500.1 for complete structure. Areas that may be an I-2 use group may require an approved sprinkler system. Section 1002.8, 1002.16, 1002.18 PERMITS MAY BE APPLIED FOR # ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

APPEAL  
Petitions for Special Hearing and Special Exception  
E/S Park Heights Avenue, 30' S of C/L of Veivert Valley Way  
3rd Election District - 3rd Councilmanic District  
BAPTIST HOME OF MARYLAND/DELAWARE, INC. - Petitioner  
Case No. 91-166-SPHX

Petitions for Special Hearing and Special Exception  
RC-3 and RC-5 Descriptions of Property  
Certificate of Posting  
Certificate of Publication  
Entry of Appearance of People's Counsel  
Zoning Plans Advisory Committee Comments  
Director of Planning & Zoning Comments  
Petitioner's Exhibits: 1. Plan to accompany Petition  
2. Valleys Planning Council comments  
3. True Test Copy of Zoning Plat  
4. Professional Background of Brian D. Jones  
5. Comments from Traffic Engineering

Zoning Commissioner's Order dated February 1, 1991 (Granted in part; Dismissed in part)

Notice of Appeal received March 5, 1991 from People's Counsel for Baltimore County

cc: Charles V. Phippen, Trustee and Randal N. Fowler, Administrator  
Baptist Home of Maryland/Delaware, Inc.  
10729 Park Heights Avenue, Owings Mills, MD 21117

James R. Anderson, Esquire - Venable, Baetjer & Howard  
210 Allegheny Avenue, Towson, MD 21204

Brian D. Jones, 1850 York Road, Timonium, MD 21093

Jean Hannibal - Representative of Valleys Planning Council  
212 Washington Avenue, P.O. Box 5402, Towson, MD 21285-5402

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Koller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Nastarowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, County Attorney  
Public Services

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 3, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for September 25, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 88, 90, 91, 92 and 95.

Items 64 and 88 are subject to the previous County Review Group comments.

For Item 93, a County Review Group Meeting may be required for these improvements.

For Item 96, the right-of-way for Eugene Avenue is incorrectly shown on the plan. The paving is 24 feet and the right-of-way width is 44 feet, with a fillet and drainage and utility easement across the southernmost corner of the lot at the intersection.

Robert W. Bowling  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

RECEIVED

10/4

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
9/13/90  
Date

RECEIVED 9/24/90

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 93, Zoning Advisory Committee Meeting of September 25, 1990

Property Owner: Baptist Home of Maryland/Delaware, Inc.

Location: 10729 Park Heights Avenue District: 3

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for use existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any chabroiler generation which has a total cooking surface area of five (5) square feet or more.
- (X) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-5500 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If habitation work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_ conducted.
  - ( ) The results are valid until \_\_\_\_\_
  - ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
  - ( ) shall be valid until \_\_\_\_\_
  - ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

Others Approval of building permit for proposed addition by this Dept. will be contingent upon additional soil evaluations and total usage of this facility existing and proposed for further information, contact Mr. Robert Powell of the Water & Sewer Division at 887-2762.

9/24/90  
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: William T. Hackett, Director March 13, 1991  
Board of Appeals

FROM: Charlotte E. Radcliffe  
Zoning Office

SUBJECT: Appealed Case No. 91-166-SPHX  
Baptist Home of Maryland/Delaware, Inc.  
3rd Election District

This memo is to advise you of the facts concerning the above referenced appeal.

Upon discussing this matter with Shirley Hess of the People's Counsel office and Julie Winiarski of the Zoning Office, the following has been determined:

--Shirley Hess advised she delivered the appeal request to the Zoning Office on Monday, March 4, 1991 (The last date available to file).

--In the absence of Charlotte Radcliffe, Julie Winiarski confirmed she received the correspondence on Monday and was asked by Shirley Hess to give it to Charlotte Radcliffe. Not recognizing said correspondence as an appeal to be stamped immediately, Julie placed the correspondence in Charlotte's mail bin.

--Charlotte Radcliffe returned Tuesday, logged in appeal and stamped it "Received March 5, 1991".

Please take these facts into consideration if this erroneous late filing date poses a problem.

cc: James R. Anderson, Esquire - Venable, Baetjer & Baetjer

People's Counsel for Baltimore County

111 West Chesapeake Avenue  
Towson, MD 21204

887-3553

March 12, 1991

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Special Hearing & Special Exception  
E/S Park Heights Avenue, 30' S of C/L of Veivert Valley Way  
3rd Election District, 3rd Councilmanic District  
BAPTIST HOME OF MARYLAND/DELAWARE, INC. - Petitioner  
Case No. 91-166-SPHX

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on March 5, 1991 by Phyllis Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

cc: Charles V. Phippen, Trustee and Randal N. Fowler, Administrator  
Baptist Home of Maryland/Delaware, Inc.  
10729 Park Heights Avenue, Owings Mills, MD 21117

James R. Anderson, Esquire - Venable, Baetjer & Howard  
210 Allegheny Avenue, Towson, MD 21204

Brian D. Jones, 1850 York Road, Timonium, MD 21093

Jean Hannibal - Representative of Valleys Planning Council  
212 Washington Avenue, P.O. Box 5402, Towson, MD 21285-5402

People's Counsel for Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File

VENABLE, BAETJER AND HOWARD  
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
210 ALLEGHENY AVENUE  
P.O. BOX 5507  
TOWSON, MARYLAND 21285-5507  
(301) 823-4111  
FAX (301) 823-0247

December 26, 1990

(301) 494-9179

Mr. J. Robert Haines  
Zoning Commissioner for Baltimore County  
County Office Building, 1st Floor  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No.: 91-166-SPHX  
Baptist Home of Maryland/Delaware, Inc., Petitioner  
Our File No.: 99999/88990

Dear Commissioner Haines:

Pursuant to your suggestion, I have enclosed to you a copy of a proposed Order in the above-referenced matter. In response to a suggestion that you made at the hearing, I have included within the Order a brief discussion regarding the mixed use of the facility and the consistency of the use with the Baltimore County Zoning regulations and the relief requested. Because I am not positive that I correctly sequenced the introduction of exhibits in the Order, I would appreciate your confirmation that the exhibits were properly sequenced.

If you have any questions or comments, please contact me.

Very truly yours,  
James R. Anderson  
James R. Anderson

JRA:cen  
Enclosure

cc: Robert A. Hoffman, Esquire  
Mr. Charles Vaughn Phippen

RECEIVED  
DEC 27 1990  
ZONING OFFICE

APPROVED JUL 0 1 1989

1-22

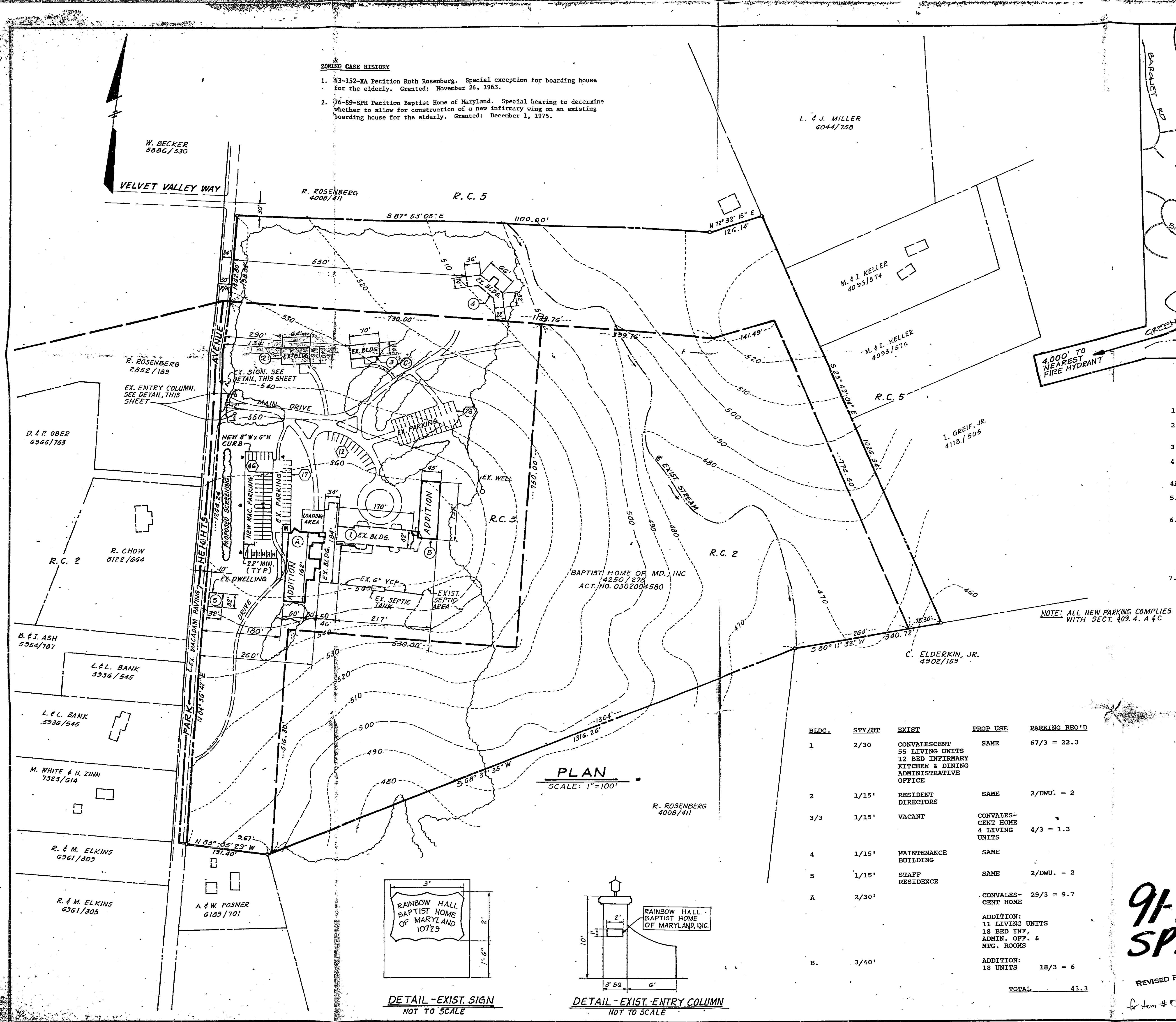


91-166SPHX



# ZONING CASE HISTORY

- 53-152-XA Petition Ruth Rosenberg. Special exception for boarding house for the elderly. Granted: November 26, 1963.
- 76-89-SPH Petition Baptist Home of Maryland. Special hearing to determine whether to allow for construction of a new infirmary wing on an existing boarding house for the elderly. Granted: December 1, 1975.



## VICINITY MAP

SCALE: 1"=1000'  
GENERAL NOTES

- GROSS AREA = 41.74 AC.
- DEED REFERENCE - 4250/276  
TAX ACCOUNT NO.
- EXISTING ZONING: RC 3, RC 5 AND RC 2
- PARKING REQUIRED: 43.3 SPACES  
PROVIDED: 103 SPACES
- TYPICAL PARKING SPACE 9'x18' MIN.
- PUBLIC WATER AND SEWER DOES NOT EXIST IN THE VICINITY (1 MILE) OF THE SITE.
- FLOOR AREA RATIO:  
TOTAL GROSS FLOOR AREA = 0.9230 AC. = 0.0221  
GROSS SITE AREA 41.7413 AC.  
EXISTING FLOOR AREA = 0.5337 AC. = 0.0128  
GROSS SITE AREA 41.7413 AC.
- ALL 18' DRIVEWAYS ARE 2 WAY AND 12' DRIVEWAYS ARE 1 WAY.

### LEGEND

- EXISTING BUILDING (Symbol: ②)
- PROPOSED BUILDING (Symbol: (A))
- EXISTING PAVING (Symbol: ---)
- PROPOSED PAVING (Symbol: ---)
- ZONING LIMITS (Symbol: ---)
- PROPERTY LINE (Symbol: ---)
- NO. OF PARKING SPACES (Symbol: ⑦)
- PROPOSED LIGHT POLE (12' HIGH) (Symbol: ▴)

DATE	NO.	REVISION
11/2/90	4	PER ZONING OFFICE COMMENTS
8/20/90	3	PER ZONING OFFICE COMMENTS
7/26/90	2	PER ZONING OFFICE COMMENTS
6/13/90	1	PER V.B. & H. COMMENTS

PLAN TO ACCOMPANY  
PETITION FOR SPECIAL EXCEPTION  
AND SPECIAL HEARING

PROJECT:  
BAPTIST HOME OF MARYLAND  
PARK HEIGHTS AVENUE  
BALTIMORE, MARYLAND  
3RD ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

ENGINEERS: WHITNEY, BAILEY, COX & MAGNANI  
CONSULTING ENGINEERS  
1850 YORK ROAD  
TIMONUM, MD. 21093  
(301) 252-6060

DESIGNED: JJJ  
DRAWN: GSB  
CHECKED: BDJ  
DATE: APRIL 3, 1990  
SCALE: 1"=100'  
DRAWING NO.:  
WBCM #90-05307

91-166-  
SPHX

REVISED PLANS

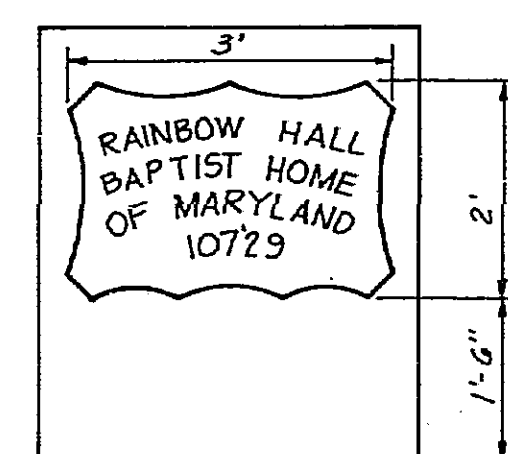
for item # 83



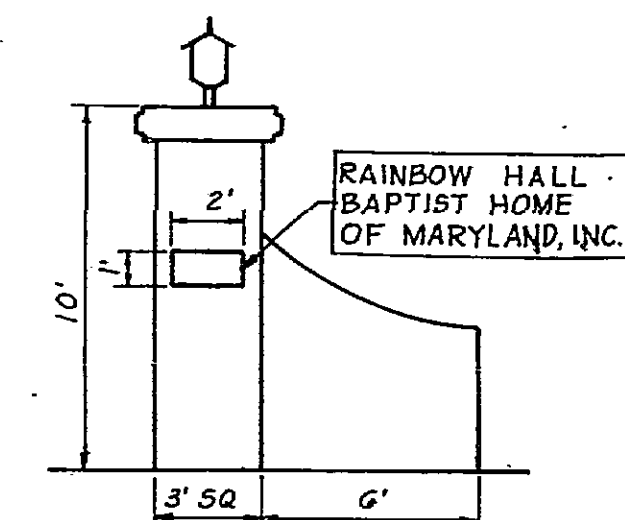
BLDG.	STY/HT	EXIST	PROP USE	PARKING REQ'D
1	2/30	CONVALESCENT 55 LIVING UNITS 12 BED INFIRMARY KITCHEN & DINING ADMINISTRATIVE OFFICE	SAME	67/3 = 22.3
2	1/15'	RESIDENT DIRECTORS	SAME	2/DWU. = 2
3/3	1/15'	VACANT	CONVALESCENT HOME 4 LIVING UNITS	4/3 = 1.3
4	1/15'	MAINTENANCE BUILDING	SAME	
5	1/15'	STAFF RESIDENCE	SAME	2/DWU. = 2
A	2/30'	CONVALESCENT HOME		29/3 = 9.7
		ADDITION: 11 LIVING UNITS 18 BED INF. ADMIN. OFF. & MTG. ROOMS		
B.	3/40'			18/3 = 6
TOTAL				43.3

## PLAN

SCALE: 1"=100'



DETAIL - EXIST. SIGN  
NOT TO SCALE



DETAIL - EXIST. ENTRY COLUMN  
NOT TO SCALE